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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,638	07/07/2003	Keshav D. Sharma	LEAP:122US	7664
24041	7590	06/30/2004	EXAMINER	
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			LESTER, EVELYN A	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/614,638

Applicant(s)

SHARMA, KESHAV D.

Examiner

Evelyn A. Lester

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-29-03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Suenaga et al (U.S. patent 5,532,878).

Suenaga et al disclose the claimed invention of an optical arrangement having from the object side to the image side, a first lens element (L34,L33) having at least one first lens, the first lens element having a positive power, and wherein the radius of curvature of the surface of the first lens element proximate to an object plane is less

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than or about equal to the radius of curvature of the surface of the first lens element distal to the object plane (note Table 1 in col. 5-6 and Figure 1, for example), a second lens element having at least one second lens and where the second lens element has a negative power(L32), a third lens element having at least one lens(L31) and where the third lens element has a positive power, a fourth lens element having at least one lens and the fourth lens element has a negative power(L25), a fifth lens element having at least one lens and the fifth lens element has a positive power(L24), a sixth lens having at least one lens and the sixth lens element has a positive power(L22), a seventh lens element having at least one lens and the seventh lens element having a positive power(L15), as well as wherein the radius of curvature of the surface of the seventh lens element proximate to the object plane is less than or about equal to the radius of the curvature of the surface of the seventh lens element distal to the object plane, and an eighth lens having at least one lens and the eighth lens element has a positive power(L12,L11), wherein the distance from the first lens element to the second lens element is sufficient to reduce a ray height of a light ray entering the second lens element from the ray height of the light ray entering the first lens element, and wherein the distance from the fifth lens element to the sixth lens element is sufficient to increase the ray height of the light ray entering the sixth lens element from the ray height of the light ray entering the first lens element. Please note for example Figure 1 and its accompanying text.

With respect to claims 2, 13 and 24, the ray height reduction is less than 40%, as noted in Figure 1 for example.

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With respect to claims 3, 14 and 25, the ray height increase is less than 200%, as noted in Figure 1 for example.

With respect to claims 4, 5, 7, 8, 15, 16, 18, 19 and 26, note Table 1, at col. 5-6.

With respect to claims 6, 9, 10, 17, 20, 21 and 27, please note Figure 1 for example.

With respect to claims 11, 22 and 28, note col.1, lines 50-54.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following are U.S. Patents and U.S. Patent Publications directed to microscope objective having eight lens elements:

Suzuki (5502596)

Suzuki (5517360)

Saito (5530590)

Suzuki (5659425)

Abe (5739958)

Ryzhikov (5898524)

Kasahara (6501603 B2)

Yamaguchi (6519092 B2)

Fujimoto et al (6747804 B2)


Okuyama (2003/0043473 A1)

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evelyn A. Lester whose telephone number is (571) 272-2332. The examiner can normally be reached on M- F, from about 10 am to 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Evelyn A. Lester
Primary Examiner
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